

1 representation by counsel cannot both be  
2 exercised at the same time. A party seeking  
3 to assert the right of self-representation  
4 must clearly and unequivocally discharge any  
5 lawyer previously retained." And there's a  
6 citation to a bunch of federal court cases  
7 there. That's a principle based on federal  
8 civil procedure.

9 Our view is that these Havens  
10 entities are all sort of commonly situated.  
11 They have a common interest. They have filed  
12 common pleadings. They should be treated as  
13 a group here.

14 And we can't have a situation  
15 where, you know, we have two different  
16 representations, you know, Mr. Havens trying  
17 to represent himself and -- I understand for  
18 purposes of today, he's saying he's only  
19 representing himself, but in papers that he  
20 files, he also purports to represent the other  
21 entities other than the ones that Mr. Jackson  
22 is stating he represents.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   And we feel that this is not  
2                   proper. It is not in compliance with the  
3                   order that he obtain counsel for his entities.

4                   Now, as far as this question about  
5                   under what circumstances he should be  
6                   permitted to continue to represent himself, I  
7                   guess we can address that in a separate  
8                   pleading, but I just wanted to say that this  
9                   is an untenable situation we're in right now  
10                  of having now these made-up entities. I think  
11                  a pleading came in the other day of SkyTel-O  
12                  and SkyTel-H. And you have to have a road map  
13                  to figure out who is what. And we just have  
14                  a real problem with that.

15                 JUDGE SIPPEL: I understand where  
16                 you are going on that. And you know what? My  
17                 answer to that is that at some point, that  
18                 might become important in this case, but right  
19                 now I can't stamp out every little brushfire.

20                 MR. KELLER: Right.

21                 JUDGE SIPPEL: I mean, they are  
22                 all over the place in this case.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. KELLER: Here's one area where  
2 I think maybe --

3 MR. HAVENS: May I respond to  
4 that?

5 JUDGE SIPPEL: No. What do you  
6 have to --

7 MR. HAVENS: Very briefly.

8 JUDGE SIPPEL: Very briefly. I'm  
9 sorry.

10 MR. HAVENS: The Commission in the  
11 hearing designation order identified each of  
12 our LLCs and our nonprofit foundation.  
13 They're distinct. And the Commission has  
14 recognized these entities as distinct because  
15 they are under Delaware Law distinct entities.

16 And, therefore, I think Mr.  
17 Keller's argument is ostensibly a petition for  
18 reconsideration of the hearing designation  
19 order that then identified each entity  
20 separately.

21 JUDGE SIPPEL: No. That's not  
22 true. I mean, that's just inaccurate. It's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 accurate that you're telling me what the order  
2 says. I'm sure that the hearing designation  
3 order says what it says, but that's the  
4 beginning and end of the discussion as far as  
5 that's concerned.

6 Counsel is here on behalf of  
7 Maritime making arguments, making points that  
8 he's concerned about, Mr. Keller. And I'm  
9 just telling him that I'm concerned about some  
10 of these things, too, but we're not going to  
11 do it now. I've got to move on.

12 So just sit tight with what you  
13 have. Nothing is going to be done without you  
14 knowing about it or having your opportunity to  
15 say your piece. Nothing is going to be done  
16 today about any of this. Okay.

17 Black TV in California, you know,  
18 that case sounds familiar.

19 MR. PLACHE: Your Honor, I'm  
20 familiar with that case. And footnote 16 says  
21 very clearly, "Hybrid representation by  
22 retained counsel for the corporation and by an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 individual with identical interests isn't  
2 permissible."

3 This is a situation where there is  
4 a corporation in the proceeding without  
5 counsel and then the individual owner tried to  
6 come in and represent himself.

7 JUDGE SIPPEL: Same scenario?

8 MR. PLACHE: Very similar  
9 scenario, yes. There weren't multiple  
10 corporations. There was one corporation.  
11 It's right on point, I think.

12 JUDGE SIPPEL: I'll take a look at  
13 it.

14 MR. HAVENS: These arguments have  
15 been made before in Commission proceedings.  
16 And the Commission has decided upon virtually  
17 identical arguments with regard to the  
18 entities in which I am president, I have some  
19 interest, but we have other parties and  
20 different assets, different business plans,  
21 different licenses. They're not all the same.

22 So if time, Your Honor, would

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 permit, I would be glad to take the initiative  
2 to address the matter or I can respond to any  
3 formal pleadings filed.

4 JUDGE SIPPEL: I think you ought  
5 to just sit tight and listen -- okay? --

6 MR. PLACHE: I don't think --

7 JUDGE SIPPEL: -- for now, for  
8 now.

9 I'm sorry. Sure. Go ahead.

10 MR. PLACHE: I'd point out also  
11 that was other proceedings he's talking about.  
12 I don't know what they are, but I don't  
13 believe they were ALJ proceedings. I don't  
14 believe they were formal proceedings.

15 JUDGE SIPPEL: I see what you are  
16 saying. Well --

17 MR. PLACHE: I think they were  
18 license proceedings.

19 JUDGE SIPPEL: Okay. I understand  
20 what you're saying. There is a distinction  
21 there because, I mean, this is stuff that the  
22 Commission has -- well, I am satisfied with

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the authority I am acting on right now. I  
2 will take a look at this case that you're  
3 talking about.

4 MR. KELLER: Your Honor, I think  
5 you're probably right that we can't get to the  
6 bottom of this whole issue today. And what I  
7 will say on that is we will make a separate  
8 filing and so that it can be briefed up with  
9 the parties and then you can address that.

10 There is one point on this that I  
11 think at least needs to be raised, if not  
12 resolved today, because we're going to be  
13 discussing about discovery. There is going to  
14 be discussion of discovery materials today  
15 potentially. And we're still in the midst of  
16 discovery.

17 I've got some issues with Mr.  
18 Jackson about the production of documents.  
19 And that is this dual representation in  
20 separate presentation creates issues under the  
21 protective order. And I just still don't know  
22 exactly where we stand because while you have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1       made it very clear in some rulings about  
2       documents that are subject to confidentiality,  
3       like Mr. Havens, Mr. Havens in email  
4       correspondence between myself, the Bureau, and  
5       maybe some of the parties -- I don't think  
6       anything was formally filed -- had actually  
7       taken the position that he or maybe some of  
8       his people were entitled to get some  
9       protective documents as experts, you know.

10               And that's not in my reading of  
11       the protective order. My reading of the  
12       protective order is that when it talks about  
13       materials being provided to experts, we're  
14       talking about people outside the company.

15               And so I just want to get that  
16       clarified and also get some sort of assurance  
17       from Mr. Jackson that that is his correct  
18       understanding, too, so that any confidential  
19       documents that are provided to Mr. Jackson are  
20       not being provided to Mr. Havens or people  
21       within the entities under the auspices of  
22       being experts.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 JUDGE SIPPEL: Mr. Jackson?

2 MR. JACKSON: Yes, Your Honor. I  
3 think it would make sense to defer the issue  
4 of representation to separate briefing and not  
5 belabor this today. I think if you go back to  
6 the original 1972 rulemaking, there are some  
7 suggestions that the Commission said that in  
8 certain instances, individuals, non-attorney  
9 individuals, can represent themselves in  
10 hearings within the discretion of the hearing  
11 officer. But I think there is no sense in  
12 briefing that today.

13 In terms of the documents that we  
14 have received, we have been following the  
15 protective order.

16 JUDGE SIPPEL: Which means Mr.  
17 Havens hasn't gotten?

18 MR. JACKSON: No. I have not sent  
19 any discovery to Mr. Havens at this point,  
20 Your Honor.

21 JUDGE SIPPEL: All right. That  
22 answers the question.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. PLACHE: I need to clarify one  
2 thing.

3 JUDGE SIPPEL: Go right ahead.

4 MR. PLACHE: With the discovery  
5 for Pinnacle Wireless that was conducted, our  
6 responses were served on Mr. Jackson.

7 JUDGE SIPPEL: And?

8 MR. PLACHE: And Mr. Keller and  
9 Ms. Kane.

10 JUDGE SIPPEL: Well, I've got a  
11 notation written on --

12 MR. PLACHE: Not served on Mr.  
13 Havens.

14 JUDGE SIPPEL: I've got a  
15 handwritten notation -- I don't know; it might  
16 have been one of my staff -- that Mr. Havens  
17 is not to see that material.

18 MR. PLACHE: Yes. And we have not  
19 served Mr. Havens with that material.

20 JUDGE SIPPEL: Let's hope he  
21 hasn't seen it.

22 MR. PLACHE: What are the other

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 three companies that are not represented by  
2 any counsel?

3 JUDGE SIPPEL: That's the rub.  
4 That's the question I ask. Why are they left  
5 out there hanging?

6 MR. PLACHE: I don't know.

7 JUDGE SIPPEL: But, you know, I  
8 don't want to open that can yet.

9 MR. PLACHE: And I'm hopeful that  
10 Your Honor is -- you know, that I am following  
11 the appropriate procedures. As I read Your  
12 Honor's orders, it seemed that I was to serve  
13 counsel.

14 JUDGE SIPPEL: Yes, you did. As  
15 far as I'm --

16 MR. PLACHE: Thank you.

17 JUDGE SIPPEL: I have no  
18 complaints about Pinnacle thus far.

19 MR. PLACHE: Thank you.

20 JUDGE SIPPEL: But let me get back  
21 to what I'm trying to learn.

22 The Black TV case, I'll check that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 out. Yes, if you want to -- what kind of  
2 briefing were you suggesting? A motion?

3 MR. KELLER: Well, we'll file some  
4 sort of a motion that addresses this issue of  
5 dual representation, seeking some sort of  
6 relief. And that way the parties will have  
7 had an opportunity to respond briefly.

8 JUDGE SIPPEL: Do you think that  
9 is a relevant and appropriate issue at this  
10 point in this game? Is this going to waste  
11 your time or is this important enough?

12 MS. KANE: Personally I think this  
13 is just another attempt to delay on behalf of  
14 Maritime. We have had a tremendous amount of  
15 briefing on pertinent issues, like discovery.

16 To add additional briefing on  
17 whether or not Mr. Havens is both representing  
18 himself and also somehow getting advice from  
19 counsel -- I don't even -- it's confusing,  
20 frankly, what Maritime is trying to argue. I  
21 don't see dual representation here.

22 We have complied with the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 protective order in producing information or  
2 providing information in public filings to  
3 make sure that we're not identifying anything  
4 that's confidential to Mr. Havens. We have  
5 told Mr. Havens we can't provide him  
6 confidential information in accordance with  
7 the protective order.

8 I think additional briefing on  
9 this matter is unnecessary.

10 JUDGE SIPPEL: I'll tell you what.  
11 I mean, so much water has gone under the  
12 bridge in this case. If you want to write me  
13 a serious letter and explain what your  
14 position is, that would be available to be  
15 responded to by anyone that cares about it.

16 I mean, I'm not trying to make  
17 light of it. I am simply saying at this stage  
18 of the case, I just don't think that it's  
19 necessary to bring it into the formality of  
20 pleadings back and forth and the Bureau. They  
21 have a lot of work to do.

22 But I will definitely look at your

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 position and get informed. And anybody who  
2 wants to respond to it is certainly free to do  
3 so. All right.

4 So it may be a little bit  
5 informal, but, on the other hand, it will be  
6 on the record. Now --

7 MR. PLACHE: Your Honor, can I  
8 just --

9 JUDGE SIPPEL: Yes, sir?

10 MR. PLACHE: Sorry to interrupt.

11 JUDGE SIPPEL: No. Go right  
12 ahead.

13 MR. PLACHE: I agree that it would  
14 be better not to have to spend time on this  
15 issue, but could we have an understanding that  
16 the filings that show up in our email boxes  
17 for Mr. Havens on behalf of himself and all of  
18 these companies that are not coming from  
19 counsel, that those aren't pertinent to this  
20 proceeding and we don't have to spend time and  
21 get our client to comb through these files?

22 MS. KANE: Your Honor, I don't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 think we can agree to that because you have  
2 deemed Mr. Havens to be a party in this case  
3 pursuant to an order early on. And I think it  
4 would be inappropriate to suggest that he  
5 shouldn't have the right to be heard, at  
6 least, as an individual, as an individual  
7 party in this case.

8 JUDGE SIPPEL: Well, the  
9 designation is what makes him a party. It was  
10 done before I --

11 MS. KANE: And there have been  
12 pleadings on that in this case.

13 JUDGE SIPPEL: Oh, yes. Yes.

14 MS. KANE: If you recall, many of  
15 the applicant parties didn't want him to be  
16 able to participate. And you ruled that he  
17 did have the rights, full rights, of  
18 participation of any other party.

19 JUDGE SIPPEL: Because of what was  
20 in the hearing designation.

21 MS. KANE: Correct, Your Honor.

22 JUDGE SIPPEL: You're correct.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1       You're correct on what my rulings were. And  
2       I will abide by those rulings until something  
3       shows me otherwise.

4               But I'm not going to cut Mr.  
5       Keller off from making an argument which is  
6       pertinent to the case and which is somewhat  
7       complicated. I'd rather he do it in a letter  
8       so that it doesn't become framed as an issue.  
9       Anybody who wants can read the letter and  
10      respond to it if they care to. So you don't  
11      have worry about taking your time if you don't  
12      want to.

13              I'm not going to issue any relief  
14      based on a letter. That is something they do  
15      at the Second Circuit all the time. But we  
16      are rolling.

17              We are back to where we have a  
18      stipulation -- I mean, I know there are a lot  
19      of discovery issues floating around, but there  
20      are two very specific issues if you wanted to  
21      raise them. One was stipulations. The other  
22      was a report on the bankruptcy.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1                   Why don't we start with the report  
2                   on the bankruptcy?

3                   MR. KELLER: I almost hesitate to  
4                   say this, but I have on other point on this  
5                   matter, really, the matter of Havens. The  
6                   reason I feel that I need to bring it up here  
7                   is because --

8                   JUDGE SIPPEL: Go right ahead.

9                   MR. KELLER: -- you know, I have  
10                  received correspondence from Mr. Jackson.  
11                  This has to do with the disk, the disk copy  
12                  that was produced to the Commission, produced  
13                  to the Bureau pursuant to your order.

14                  In your order dated February 7th,  
15                  2012, -- it's FCC number 12M-8 -- it was  
16                  directed that a copy of the disk would also be  
17                  provided to Mr. Havens if we could contribute  
18                  one-half of Maritime's printing costs or,  
19                  alternatively, the original documents would be  
20                  made available for his inspection.

21                  We're prepared to comply with that  
22                  part of the order, but I recently, in the last

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 couple of weeks, got a letter from Mr. Jackson  
2 saying that they wanted us to turn the disk  
3 over or, else, suffer sanctions and that sort  
4 of thing.

5 And I responded to him, pointing  
6 him at this order, saying we would be happy to  
7 comply with the terms of that order: either  
8 pay half the costs, as the order directs; or  
9 make arrangements to come and see the  
10 originals.

11 And I am not even asking for a  
12 ruling from you. I just want it to be on the  
13 record that we've taken that position so that  
14 if anything does come in saying that we  
15 haven't complied or keeping sanctions from --

16 JUDGE SIPPEL: Yes, sir, Mr.  
17 Jackson?

18 MR. JACKSON: Your Honor, just a  
19 very brief response to that. We believe that  
20 as an equal party in this matter, that  
21 effectively Maritime has waived its right to  
22 seek -- by giving the CD to the Bureau, we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 believe that Maritime has waived its right to  
2 collect the amount. And we believe that a CD  
3 is appropriate.

4 Alternatively, we believe that  
5 under section 556 of the APA -- and, again, I  
6 am not going to argue this here today. I just  
7 want to note it for you -- that we're entitled  
8 to the record from the staff. Staff disagrees  
9 and points to rule 1.325 that that is a  
10 potential dispute.

11 Your Honor, if the copying fees  
12 stand, we believe the principle should be  
13 extended to all documents for all parties.  
14 And that will become of some interest when I  
15 talk of the hundreds of boxes of documents  
16 later, Your Honor.

17 JUDGE SIPPEL: Well, Mr. Havens is  
18 already familiar as we go into this case as a  
19 party. And I'm not clear of all of that  
20 particular ruling in light of the fact that  
21 his pre-hearing participation was to bring  
22 certain facts to light, as I understand it.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1       Whether the facts were accurate or not I have  
2       no idea, but, in any event, there has been  
3       justification that he would be a party in this  
4       case.

5               Now, as a party, as a party, he is  
6       going to be subject to my orders. And I've  
7       got a lot of discretion. I don't want to  
8       charge the Bureau because they work for the  
9       government. They don't have any money.

10              I think Mr. Havens can afford the  
11       cost of business. He's doing it. I mean,  
12       there is so much going on in Mr. Havens' world  
13       it's hard to believe that this is a money  
14       problem.

15              As a matter of principle, that's  
16       where my discretion comes in. And if you want  
17       to make a showing of -- you know, he wants to  
18       proceed in cooperates or something like that,  
19       but I don't believe you are going to be able  
20       to make it. That's my ruling. I mean, for  
21       better or for worse, that's it.

22              If he wants the documents, they're

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 right there to get. It's going to cost him a  
2 couple of bucks. And let's get on with it.

3 If there's a principle involved  
4 here, I don't see it as being an overriding  
5 principle. Treat parties fairly. Yes.  
6 That's a good start for a good principle.

7 Substantially everybody is being  
8 treated fairly. You know, we take care of  
9 widows. We don't take care of rich guys. I  
10 think the comparison is not accurate, but I am  
11 trying to make my point.

12 I do have a discretion in terms of  
13 how I am going to treat parties as long as I  
14 am not abusing the discussion. I don't think  
15 I have. Anybody want to charge me with abuse  
16 of discretion? Is that what you would be  
17 doing?

18 MR. JACKSON: I'm not here  
19 arguing, Your Honor. I just want to set out  
20 what the argument was, the dispute.

21 JUDGE SIPPEL: But if you really  
22 don't like what I have done as far as our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 lawyers are concerned, you know, there are  
2 only a couple of lawyers --

3 MR. JACKSON: Right.

4 JUDGE SIPPEL: -- you can  
5 approach. And it's got to be in your mind --  
6 let me just leave it like that, that that's my  
7 ruling for today.

8 MR. JACKSON: Thank you, Your  
9 Honor.

10 JUDGE SIPPEL: You bet. Let's go  
11 back now to this report on -- are we okay?  
12 Are we all set now?

13 MR. KELLER: No. I have more to  
14 say on this issue, but very well-said. I'll  
15 put it in my letter.

16 JUDGE SIPPEL: Thank you. Thank  
17 you.

18 MR. HAVENS: Your Honor, I will  
19 separately address that. We are bringing up  
20 matters today which Mr. Keller, Mr. Jackson  
21 and myself, Ms. Kane agreed would not be a  
22 topic today. All the discussion thus far has

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1       been on things we agreed were not a topic  
2       today under your order.

3               In any case, in terms of the CD, I  
4       will address that separately. Ostensibly I  
5       disagree, but I don't want to take further  
6       time. I understand your order.

7               JUDGE SIPPEL: Okay. That's the  
8       only thing I care about right now. I mean, I  
9       respect your judgment. I respect what you are  
10      saying. But I don't want to get any further  
11      into it today. We have got other business to  
12      accomplish hopefully.

13              So let's get back to the  
14      bankruptcy. What is the status of the  
15      bankruptcy?

16              MR. KELLER: Okay. The status of  
17      the bankruptcy is that on April the 30th, a  
18      plan of reorganization was filed. The plan of  
19      reorganization provides that the assets of the  
20      company, which the purpose is here that  
21      basically the license assets -- all the  
22      licenses will be assigned to an entity called

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1       Choctaw Communications or something like that.  
2       I don't have the exact name handy. Choctaw.  
3       What is it? Choctaw, C-h-o-c-t-a-w. I  
4       believe it is Choctaw Communications.

5               This is an entity owned by certain  
6       of the secured creditors in the bankruptcy.  
7       They are separately represented. They have  
8       separate FCC counsel, et cetera.

9               The terms of the -- in general  
10      outline, the terms are that they sort of  
11      swapped out their claims against the estate in  
12      exchange for these assets and an undertaking  
13      to make good on the other claims against the  
14      estate based on the sale of those assets.

15              They intend to honor the existing  
16      contracts that are already outstanding, some  
17      of which are designated in this proceeding.  
18      And, furthermore, the Depriests, Sandra  
19      Depriest and her husband, have no interest in  
20      this company, will receive none of the  
21      proceeds, and will also be foregoing any  
22      claims they have against the estate.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 I believe they have claims to the  
2 tune of, direct and indirect, upwards of \$7  
3 million, but they will not be receiving those.  
4 So they will receive no --

5 JUDGE SIPPEL: Not that won't be  
6 receiving. He's going to drop the claim.

7 MR. KELLER: I don't know the  
8 formal terminology, but yes, they're either --  
9 I don't know whether they'll be waiving the  
10 claims, but they're not going to receive the  
11 money. That's the bottom line.

12 MR. HAVENS: This is not a topic  
13 of today's discussion. I would have had  
14 bankruptcy counsel attend the hearing today if  
15 this was to be a topic.

16 MR. KELLER: This is just a report  
17 on the status.

18 MR. HAVENS: Yes, I understand.  
19 Your Honor, this was not a topic.

20 MR. KELLER: So that --

21 MR. HAVENS: And you are  
22 characterizing a plan with my attorneys in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701